

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

SHANE L. SMITHER,

Plaintiff,

vs.

**KILOLO KIJAKAZI, Acting
Commissioner of Social Security
Administration,**

Defendant.

CV-20-121-BLG-SPW

ORDER

Plaintiff Shane L. Smither ("Smither"), by and through his attorney, John E. Seidlitz, Jr., moves under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412(d), for attorney fees and costs incurred in prosecuting his Social Security appeal. He requests \$8,927.30 in fees.

Defendant Commissioner of Social Security ("Commissioner") has been contacted and does stipulate to Smither's application for fees in this amount.

Accordingly, **IT IS ORDERED** that Defendant shall pay \$8,927.30 in fees under the Equal Access to Justice Act, 28 U.S.C. §2412.

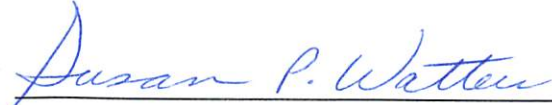
IT IS FURTHER ORDERED that if, after receiving the Court's EAJA fee order, the Commissioner (1) determines upon effectuation of the Court's EAJA fee order that Plaintiff does not owe a debt that is subject to offset under the Treasury

Offset Program, (2) agrees to waive the requirements of the Anti-Assignment Act, and (3) is provided a valid assignment of fees executed by Plaintiff, the fees will be made payable to Plaintiff's attorney and mailed to Plaintiff's attorney's office as follows:

Seidlitz Law Office
P.O. Box 1581
Great Falls, MT 59403-1581

However, if there is a debt owed under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and any remaining EAJA fees after offset will be paid by a check made out to Plaintiff, but delivered to Plaintiff's attorney.

DATED this 6th day of December, 2022.



SUSAN P. WATTERS
U.S. District Judge